

**REMARKS**

**Summary of the Office Action**

1. The Examiner has objected to the terminal disclaimers filed on August 30, 2002 as not being supported by documentary evidence of a chain of title from the original inventors to the assignee or by specifying (by reel and frame number) where such documentary evidence is recorded in the Office.

**Response to the Office Action**

Claims 1-19 were previously rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent 5,849,902. In response to that rejection, Applicants submitted terminal disclaimers under 37 C.F.R. 1.321(c) executed on behalf of the assignees, Oligos Etc. and Tod M. Woolf along with a certificate under 37 C.F.R. 3.73(b) executed on behalf of Oligos Etc. on August 30, 2002. The previously filed terminal disclaimers disclaimed any right to patent term beyond that of U.S. Patent 5,849,902 and the previously filed accompanying certificate under 37 C.F.R. 3.73(b) indicated that the assignments from the original inventors to the assignee were recorded by the U.S. Patent Office on December 17, 1999 at Reel 010464, Frame 0576 and on December 29, 1999 on Reel 010504, Frame 0349. It appears as though the previously filed certificate under 37 C.F.R. 3.73(b) was separated from the terminal disclaimers subsequent to the filing of the documents in the Patent Office. An additional copy of the previously submitted terminal disclaimers and certificate under 37 C.F.R. 3.73(b) are therefore attached. Applicants respectfully request that the rejection based on lack of documentary evidence of the chain of title from the original inventors to the assignee be withdrawn.

**Conclusion**

Applicants respectfully request reconsideration and the timely allowance of the pending claims. A favorable action is awaited as all remaining rejections have been obviated by this response. Should the Examiner find that an interview would be helpful to further prosecution of this application, she is invited to telephone the undersigned at his convenience. If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required

for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: **November 12, 2003**  
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Respectfully submitted  
**Morgan, Lewis & Bockius LLP**

  
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